

1 A bill to be entitled
2 An act relating to community colleges;
3 amending s. 1001.64, F.S.; providing that
4 community colleges that grant baccalaureate
5 degrees pursuant to s. 1007.33, F.S., remain
6 under the authority of the State Board of
7 Education with respect to specified
8 responsibilities; providing that, subject to
9 specified conditions, the board of trustees of
10 such a community college is the governing board
11 for purposes of granting baccalaureate degrees;
12 providing powers of the boards of trustees,
13 including the power to establish tuition and
14 out-of-state fees; providing restrictions;
15 requiring such boards to adopt a policy
16 requiring teachers who teach certain
17 upper-division courses to teach a specified
18 minimum number of hours; amending s. 1004.65,
19 F.S.; requiring community colleges that offer
20 baccalaureate degrees to maintain their primary
21 purpose and not terminate associate in arts
22 programs because they offer baccalaureate
23 degrees; amending s. 1007.33, F.S.; removing a
24 requirement for review and comment by the
25 Council for Education Policy Research and
26 Improvement of a proposal to deliver
27 baccalaureate degree programs; providing for
28 the State Board of Education to adopt rules
29 with respect to the articulation of specified
30 associate degrees with specified bachelor's
31 degrees; providing requirements for such rules;

1 requiring that a formal agreement for the
2 delivery of specified baccalaureate degree
3 programs by a regionally accredited college or
4 university at a community college site include
5 certain provisions; requiring that the
6 curriculum for the degree be developed and
7 approved within a specified time; requiring
8 that the degree program be implemented within a
9 specified time; requiring that a proposal to
10 deliver such a degree document that the
11 community college has notified the accredited
12 colleges and universities in the district of
13 its intent to seek approval for delivery of the
14 degree; allowing the colleges and universities
15 to propose an alternative plan for providing
16 the degree; amending s. 1009.23, F.S.;
17 providing guidelines and restrictions for
18 setting tuition and out-of-state fees for
19 upper-division courses; requiring the State
20 Board of Education, annually by a specified
21 date, to adopt a resident fee schedule for
22 baccalaureate degree programs offered by
23 community colleges; amending s. 1011.83, F.S.;
24 providing requirements for funding nonrecurring
25 and recurring costs associated with such
26 programs; limiting per-student funding to a
27 specified percentage of costs associated with
28 baccalaureate degree programs offered in state
29 universities; requiring community colleges to
30 maintain a distinction in reporting and funding
31 between baccalaureate degree programs approved

1 under s. 1007.33, F.S., and those offered under
2 concurrent-use partnerships; amending s.
3 1013.60, F.S.; allowing community college
4 boards of trustees to request funding for all
5 authorized programs; requiring that enrollment
6 in baccalaureate degree programs be computed
7 into the survey of need for facilities;
8 approving a transfer of an endowment from the
9 Appleton Cultural Center, Inc., to the Central
10 Florida Community College Foundation; providing
11 restrictions on the management of the
12 endowment; releasing the foundation from
13 certain trust agreement and statutory
14 requirements; amending s. 1009.23, F.S.;
15 authorizing each community college board of
16 trustees to establish a transportation user
17 fee; limiting such fee to the cost of the
18 service provided; allowing fines to exceed the
19 cost of services provided and to apply to
20 persons other than those receiving specified
21 services; amending s. 1011.68, F.S.; providing
22 that an isolated student who attends a charter
23 school governed by a community college
24 generates school transportation funding
25 according to a specified formula; authorizing a
26 community college board of trustees to pay for
27 transportation of students in private passenger
28 cars under certain circumstances; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsections (1), (2), and (8) of section
2 1001.64, Florida Statutes, are amended to read:

3 1001.64 Community college boards of trustees; powers
4 and duties.--

5 (1) The boards of trustees shall be responsible for
6 cost-effective policy decisions appropriate to the community
7 college's mission, the implementation and maintenance of
8 high-quality education programs within law and rules of the
9 State Board of Education, the measurement of performance, the
10 reporting of information, and the provision of input regarding
11 state policy, budgeting, and education standards. Community
12 colleges may grant baccalaureate degrees pursuant to s.
13 1007.33 and shall remain under the authority of the State
14 Board of Education with respect to planning, coordination,
15 oversight, and budgetary and accountability responsibilities.

16 (2) Each board of trustees is vested with the
17 responsibility to govern its respective community college and
18 with such necessary authority as is needed for the proper
19 operation and improvement thereof in accordance with rules of
20 the State Board of Education. This authority includes serving
21 as the governing board for purposes of granting baccalaureate
22 degrees.

23 (8) Each board of trustees has authority for policies
24 related to students, enrollment of students, student records,
25 student activities, financial assistance, and other student
26 services.

27 (a) Each board of trustees shall govern admission of
28 students pursuant to s. 1007.263 and rules of the State Board
29 of Education. A board of trustees may establish additional
30 admissions criteria, which shall be included in the district
31 interinstitutional articulation agreement developed according

1 to s. 1007.235, to ensure student readiness for postsecondary
2 instruction. Each board of trustees may consider the past
3 actions of any person applying for admission or enrollment and
4 may deny admission or enrollment to an applicant because of
5 misconduct if determined to be in the best interest of the
6 community college.

7 (b) Each board of trustees shall adopt rules
8 establishing student performance standards for the award of
9 degrees and certificates pursuant to s. 1004.68. The board of
10 trustees of a community college that is authorized to grant a
11 baccalaureate degree under s. 1007.33 may continue to award
12 degrees, diplomas, and certificates as authorized for the
13 college, and in the name of the college, until the college
14 receives any necessary changes to its accreditation.

15 (c) Each board of trustees shall establish tuition and
16 out-of-state fees for approved baccalaureate degree programs,
17 consistent with law and proviso language in the General
18 Appropriations Act. However, a board of trustees may not
19 increase tuition and out-of-state fees as provided in s.
20 1009.23(4).

21 ~~(d)(e)~~ Boards of trustees are authorized to establish
22 intrainstitutional and interinstitutional programs to maximize
23 articulation pursuant to s. 1007.22.

24 ~~(e)(d)~~ Boards of trustees shall identify their core
25 curricula, which shall include courses required by the State
26 Board of Education, pursuant to the provisions of s.
27 1007.25(6).

28 ~~(f)(e)~~ Each board of trustees must adopt a written
29 anti-hazing policy, provide a program for the enforcement of
30 such rules, and adopt appropriate penalties for violations of
31 such rules pursuant to the provisions of s. 1006.63(1)-(3).

1 ~~(g)(f)~~ Each board of trustees may establish a uniform
2 code of conduct and appropriate penalties for violation of its
3 rules by students and student organizations, including rules
4 governing student academic honesty. Such penalties, unless
5 otherwise provided by law, may include fines, the withholding
6 of diplomas or transcripts pending compliance with rules or
7 payment of fines, and the imposition of probation, suspension,
8 or dismissal.

9 ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53
10 shall adopt a policy in accordance with rules of the State
11 Board of Education that reasonably accommodates the religious
12 observance, practice, and belief of individual students in
13 regard to admissions, class attendance, and the scheduling of
14 examinations and work assignments.

15 (i) Each board of trustees shall adopt a policy
16 providing that faculty who teach upper-division courses that
17 are a component part of a baccalaureate program must meet the
18 requirements of s. 1012.82.

19 Section 2. Paragraph (a) of subsection (7) and
20 subsection (9) of section 1004.65, Florida Statutes, are
21 amended to read:

22 1004.65 Community colleges; definition, mission, and
23 responsibilities.--

24 (7) A separate and secondary role for community
25 colleges includes:

26 (a) Providing upper level instruction and awarding
27 baccalaureate degrees as specifically authorized by law. A
28 community college that is approved to offer baccalaureate
29 degree programs shall maintain its primary mission pursuant to
30 subsection (6) and may not terminate associate in arts or
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1 associate in science degree programs as a result of the
2 authorization to offer baccalaureate degree programs.

3 (9) Community colleges are authorized to offer such
4 programs and courses as are necessary to fulfill their mission
5 and are authorized to grant associate in arts degrees,
6 associate in science degrees, associate in applied science
7 degrees, certificates, awards, and diplomas. Each community
8 college is also authorized to make provisions for the General
9 Educational Development test. Each community college may
10 provide access to and award baccalaureate degrees in
11 accordance with law.

12 Section 3. Subsection (3) of section 1007.33, Florida
13 Statutes, is amended, present subsection (4) is redesignated
14 as subsection (6), and new subsections (4) and (5) are added
15 to that section, to read:

16 1007.33 Site-determined baccalaureate degree access.--

17 (3) A community college may develop a proposal to
18 deliver specified baccalaureate degree programs in its
19 district to meet local workforce needs. The proposal must be
20 submitted to the State Board of Education for approval. The
21 community college's proposal must include the following
22 information:

23 (a) Demand for the baccalaureate degree program is
24 identified by the workforce development board, local
25 businesses and industry, local chambers of commerce, and
26 potential students.

27 (b) Unmet need for graduates of the proposed degree
28 program is substantiated.

29 (c) The community college has the facilities and
30 academic resources to deliver the program.

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1 ~~The proposal must be submitted to the Council for Education~~
2 ~~Policy Research and Improvement for review and comment.~~ Upon
3 approval of the State Board of Education for the specific
4 degree program or programs, the community college shall pursue
5 regional accreditation by the Commission on Colleges of the
6 Southern Association of Colleges and Schools. Any additional
7 baccalaureate degree programs the community college wishes to
8 offer must be approved by the State Board of Education.
9 However, the State Board of Education shall adopt rules for a
10 community college that has been authorized under this
11 subsection to offer a specific baccalaureate degree program
12 approved by the State Board of Education, that has become
13 regionally accredited by the Commission on Colleges of the
14 Southern Association of Colleges and Schools to offer that
15 degree, and that has graduated the first class from the
16 authorized degree program to offer other baccalaureate degree
17 programs that will articulate a specific associate in science
18 degree with a specific bachelor's in applied science degree.
19 Such rules must address academic standards, articulation, and
20 a plan for financial support of the program and may not exempt
21 a community college from s. 1004.65(7) or subsection (4) or
22 from the requirement to notify in writing the accredited
23 public and private colleges and universities in the community
24 college's district of its intent to deliver the proposed
25 program.

26 (4) A formal agreement for the delivery of specified
27 baccalaureate degree programs by a regionally accredited
28 public or private college or university at a community college
29 site must include:

30 (a) A guarantee that students will be able to complete
31 the degree in the community college district;

1 (b) A financial commitment to the development,
2 implementation, and maintenance of the specified degree
3 program on behalf of the college or university which includes
4 timelines; and

5 (c) A plan for collaboration in the development and
6 offering of the curriculum for the specified degree by both
7 faculty at the community college and at the college or
8 university. The curriculum for the specified degree must be
9 developed and approved within 6 months, and the program shall
10 be implemented within 12 months, after the agreement between
11 the community college and the college or university is signed.

12 (5) A community college proposal to deliver a
13 specified baccalaureate degree program must document that the
14 community college has notified in writing the accredited
15 public and private colleges and universities in the community
16 college's district of its intent to seek approval for delivery
17 of the proposed program. The notified colleges and
18 universities have 90 days to submit in writing to the
19 community college an alternative plan for providing the
20 specified degree program.

21 Section 4. Subsections (1), (2), and (3) of section
22 1009.23, Florida Statutes, are amended to read:

23 1009.23 Community college student fees.--

24 (1) Unless otherwise provided, ~~the provisions of this~~
25 section ~~applies apply~~ only to fees charged for college credit
26 instruction leading to an associate in arts degree, an
27 associate in applied science degree, ~~or~~ an associate in
28 science degree, or a baccalaureate degree authorized by the
29 State Board of Education pursuant to s. 1007.33, and for
30 noncollege credit college-preparatory courses defined in s.
31 1004.02.

1 (2)(a) All students shall be charged fees except
2 students who are exempt from fees or students whose fees are
3 waived.

4 (b) Tuition and out-of-state fees for upper-division
5 courses must reflect the fact that the college has a less
6 expensive cost structure than that of a state university.
7 Therefore, the board of trustees shall establish tuition and
8 out-of-state fees for upper-division courses consistent with
9 law and proviso language in the General Appropriations Act.
10 However, the board of trustees may not increase tuition and
11 out-of-state fees as provided in subsection (4). ~~Identical~~
12 ~~fees shall be required for all community college resident~~
13 ~~students within a college who take a specific course,~~
14 ~~regardless of the program in which they are enrolled.~~

15 (3) The State Board of Education shall adopt by
16 December 31 of each year a resident fee schedule for the
17 following fall for advanced and professional programs,
18 associate in science degree programs, baccalaureate degree
19 programs authorized by the State Board of Education pursuant
20 to s. 1007.33, and college-preparatory programs that produce
21 revenues in the amount of 25 percent of the full prior year's
22 cost of these programs. Fees for courses in
23 college-preparatory programs and associate in arts and
24 associate in science degree programs may be established at the
25 same level. In the absence of a provision to the contrary in
26 an appropriations act, the fee schedule shall take effect and
27 the colleges shall expend the funds on instruction. If the
28 Legislature provides for an alternative fee schedule in an
29 appropriations act, the fee schedule shall take effect the
30 subsequent fall semester.

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1 Section 5. Section 1011.83, Florida Statutes, is
2 amended to read:

3 1011.83 Financial support of community colleges.--

4 (1) Each community college that has been approved by
5 the Department of Education and meets the requirements of law
6 and rules of the State Board of Education shall participate in
7 the Community College Program Fund. However, funds to support
8 workforce education programs conducted by community colleges
9 shall be provided pursuant to s. 1011.80. A community college
10 may request funds from the Legislature in the State Board of
11 Education legislative budget request for costs related to the
12 initiation of a new baccalaureate degree program. The request
13 for such funds may recognize the costs expected to be incurred
14 until the Legislature provides full-time equivalent recurring
15 funding based on actual FTE enrollment after the program has
16 served both a junior and senior class in the new baccalaureate
17 degree program. A community college that is authorized to
18 grant baccalaureate degrees under s. 1007.33 must receive
19 recurring operational funding:

20 (a) As a community college for its workforce
21 development education programs and for its
22 lower-division-level college credit courses and programs
23 funded by the Community College Program Fund under this
24 section.

25 (b) As a baccalaureate-degree-level institution for
26 its upper-division-level courses and programs. State support
27 for these programs may not exceed 85 percent of the amount of
28 state support per full-time equivalent student in a comparable
29 state university program. Funds appropriated for this purpose
30 may be used only for the baccalaureate degree programs.

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1 (2) A community college that grants baccalaureate
2 degrees shall maintain reporting and funding distinctions
3 between any baccalaureate degree program approved under s.
4 1007.33 and any other baccalaureate degree programs involving
5 traditional concurrent-use partnerships.

6 Section 6. Subsection (2) of section 1013.60, Florida
7 Statutes, is amended to read:

8 1013.60 Legislative capital outlay budget request.--

9 (2) The commissioner shall submit to the Governor and
10 to the Legislature an integrated, comprehensive budget request
11 for educational facilities construction and fixed capital
12 outlay needs for school districts, community colleges, and
13 universities, pursuant to the provisions of s. 1013.64 and
14 applicable provisions of chapter 216. Each community college
15 board of trustees and each university board of trustees shall
16 submit to the commissioner a 3-year plan and data required in
17 the development of the annual capital outlay budget. Community
18 college boards of trustees may request funding for all
19 authorized programs, including approved baccalaureate degree
20 programs. Notwithstanding s. 1004.73(7) or any other provision
21 of law, such a request for funding must be submitted as a part
22 of the 3-year priority list for community colleges pursuant to
23 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree
24 programs must be computed into the survey of need for
25 facilities. ~~No~~ Further disbursements ~~may not shall~~ be made
26 from the Public Education Capital Outlay and Debt Service
27 Trust Fund to a board of trustees that fails to timely submit
28 the required data until such board of trustees submits the
29 data.

30 Section 7. Approval is granted for the endowment for
31 the Appleton Museum of Art, currently held by the Appleton

1 Cultural Center, Inc., to be transferred to the Central
2 Florida Community College Foundation. The endowment to be
3 transferred, which includes state matching funds, was
4 established in 1987 through the Cultural Arts Endowment
5 Program. By this provision, the Central Florida Community
6 College Foundation is authorized to manage the endowment only
7 for the support of the educational program at the Appleton
8 Museum of Art and is released from all other provisions of the
9 Trust Agreement dated July 17, 1987, by and between the State
10 of Florida and the Appleton Cultural Center, Inc., and
11 sections 265.601 through 265.607, Florida Statutes.

12 Section 8. Subsection (12) of section 1009.23, Florida
13 Statutes, is amended to read:

14 1009.23 Community college student fees.--

15 (12) In addition to tuition, out-of-state, financial
16 aid, capital improvement, student activity and service, and
17 technology fees authorized in this section, each community
18 college board of trustees is authorized to establish fee
19 schedules for the following user fees and fines: laboratory
20 fees; parking fees and fines; transportation fees; library
21 fees and fines; fees and fines relating to facilities and
22 equipment use or damage; access or identification card fees;
23 duplicating, photocopying, binding, or microfilming fees;
24 standardized testing fees; diploma replacement fees;
25 transcript fees; application fees; graduation fees; and late
26 fees related to registration and payment. Such user fees ~~and~~
27 ~~fines~~ shall not exceed the cost of the services provided and
28 shall only be charged to persons receiving the service. A
29 community college may not charge any fee except as authorized
30 by law or rules of the State Board of Education. Parking fee
31 revenues may be pledged by a community college board of

1 trustees as a dedicated revenue source for the repayment of
 2 debt, including lease-purchase agreements and revenue bonds
 3 with terms not exceeding 20 years and not exceeding the useful
 4 life of the asset being financed. Community colleges shall use
 5 the services of the Division of Bond Finance of the State
 6 Board of Administration to issue any revenue bonds authorized
 7 by the provisions of this subsection. Any such bonds issued by
 8 the Division of Bond Finance shall be in compliance with the
 9 provisions of the State Bond Act. Bonds issued pursuant to the
 10 State Bond Act shall be validated in the manner established in
 11 chapter 75. The complaint for such validation shall be filed
 12 in the circuit court of the county where the seat of state
 13 government is situated, the notice required to be published by
 14 s. 75.06 shall be published only in the county where the
 15 complaint is filed, and the complaint and order of the circuit
 16 court shall be served only on the state attorney of the
 17 circuit in which the action is pending.

18 Section 9. Subsection (8) is added to section 1011.68,
 19 Florida Statutes, to read:

20 1011.68 Funds for student transportation.--The annual
 21 allocation to each district for transportation to public
 22 school programs, including charter schools as provided in s.
 23 1002.33(17)(b), of students in membership in kindergarten
 24 through grade 12 and in migrant and exceptional student
 25 programs below kindergarten shall be determined as follows:

26 (8) Notwithstanding s. 1006.22(1) and (2), if an
 27 isolated student attends a charter school governed by a
 28 community college, the community college shall generate school
 29 transportation funding according to ss. 1002.33(17)(b),
 30 1011.62, and this section. A community college board of
 31 trustees may include in its charter school contract a

1 provision for parent transportation of students which is
2 consistent with s. 1002.33(20)(c), if the cost of the
3 transportation service does not exceed the transportation
4 funds generated by this chapter.

5 Section 10. This act shall take effect July 1, 2005.
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